

Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The rejection of claims 1, 5, 7, and 48-57 under 35 U.S.C. §112 (1st para.) as being non-enabling is respectfully traversed in view of the above amendments.

The rejection of claims 30, 33, and 36 under 35 U.S.C. §112 (2nd para.) for indefiniteness is respectfully traversed in view of the above amendments.


The rejection of claims 1, 5, 7, 30-38, and 48-57 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 7, and 26-43 of U.S. Patent No. 6,583,107 and U.S. Published Patent Application Serial No. 20010011380 is respectfully traversed.

Applicants submit that this rejection has already been obviated by the submission of the terminal disclaimer filed on January 27, 2003. In the outstanding office action, however, it is stated that the previously-filed terminal disclaimer is ineffective, because "the serial number of the application or the number of the patent which forms the basis for the double patenting is missing or incorrect." Applicants respectfully disagree. In particular, on page 1, line 7 of the previously-filed, terminal disclaimer, it is clear that that terminal disclaimer was filed with reference to U.S. Patent Application Serial No. 09/086,118, which corresponds to U.S. Patent No. 6,583,107 and U.S. Published Patent Application Serial No. 20010011380. Thus, the obviousness-type double patenting rejection has already been obviated, and there is no need to file an additional terminal disclaimer.

In view of all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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